

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
FEBRUARY 1-2, 2006**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on February 1-2, 2006, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, February 1, 2006

CALL TO ORDER

Chair Keith Travis called the full Board meeting to order at 8:35 a.m. He welcomed all guests and asked for the roll call to occur.

ROLL CALL

Present for the meeting were Dorie Combs, Bonnie Lash Freeman, Jeff Mando, Helen Mountjoy, Hilma Prather, David Rhodes, David Tachau, Keith Travis, Janna Vice and David Webb. Absent were Janice Allen and Tom Layzell.

APPROVAL OF SUMMARY MINUTES

At this point, Jeff Mando moved approval of the December 7-8, 2005, regular meeting minutes. Bonnie Lash Freeman seconded the motion. The motion carried. Next, Helen Mountjoy moved approval of the January 4, 2006, regular meeting minutes and Janna Vice seconded the motion. The motion carried.

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Secretary Virginia Fox reported the following:

- Appreciation was expressed to the Board for its input during the preparation of the Governor's budget.
- The Education Cabinet took a significant cut in the budget.
- Laura Owens was introduced as the new Deputy Secretary in the Education Cabinet and it was clarified that she is also maintaining her duties as Commissioner of Workforce Development.

- Gratitude was expressed to Commissioner Wilhoit for being at the table when the budget for the integrated technology project was discussed.
- Kudos was given to the Department for its leadership in the State Action for Education Leadership Project (SAELP) and Hilma Prather was thanked for attending the annual meeting of this group yesterday.

REPORT FROM THE PRE-K TO 16 COUNCIL

Pre-K to 16 Council Chair Dorie Combs reported the following:

- The council last met on December 14 with a light agenda.
- The joint budget request was discussed and how it relates to the funding for local P-16 councils.
- Most of the time was spent on the topic of under preparation of students at the college level and it was noted that there are still a large number going into college who are under prepared. There is an achievement gap issue relative to minorities and African Americans and a slight gap exists between men and women.
- A lengthy discussion occurred about the Board's proposed graduation requirements and a letter of recommendation in support of the requirements as they existed in December was sent to the Kentucky Board of Education. The letter opposed the opt-out provision and supported a foreign language requirement.
- A short discussion on dual credit/dual enrollment occurred. A group from within the council is planning a mini-conference on dual credit.
- The next meeting of the Pre-K to 16 Council will be March 29 at the Council on Postsecondary Education.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Gene Wilhoit reported the following:

- The Commissioner said his intention was to update the Board on where the budget stands in relation to the Board priorities.
- Yesterday, he indicated that he and Chair Travis visited several members of the legislature to highlight the Board's priorities.
- Board members were provided with a budget chart that gave a legislative history of the Department's budget along with the Board's request for this biennium as

compared to the Governor's recommendation. The budget is now in the hands of the legislature.

- Generally, the categories remain stable from the Board's recommendations through the Governor's recommendations and we will have to see where the legislature goes with it.
- One issue to point out is the increase in SEEK where the difference in the Governor's recommendation is that transportation was held at the current year level.
- The figures in the Governor's recommendation are accurate.
- We did have an increase in the number of students last year and anticipate an increase this next year. This is a byproduct of the migration of Hispanic families.
- Also, a factor in the increase in students is the Fort Knox situation where through redeployment of bases, there will be some influx of students into surrounding districts.
- Other changes in the budget are minor.

The Commissioner was then asked to talk about the "right to work" law. He responded that it is designed to anticipate student growth and said it is not in the Board's budget. He clarified that this was a component added by the Governor.

The Commissioner was then asked where the additional days are reflected in the budget. He responded that these are reflected in SEEK where there are three tiers. Commissioner Wilhoit explained that within this calculation is a 2% increase for all employees, one professional development day the first year and two student days the second year.

The Commissioner was then asked if these increases were reflected in the base and he replied affirmatively.

Commissioner Wilhoit then pointed out that the Governor's recommendation is \$9 million short to fully fund salary increases due to facility dollars not being able to apply to salaries. He noted that the Governor's office and legislature have pledged to fix this problem.

A question was then asked as to whether salary increases apply to certified employees only. Commissioner Wilhoit replied that the salary increases applied to both certified and classified employees.

Commissioner Wilhoit went on to give the following summary:

- There seems to be a lot of support in the legislature behind teacher raises.

- A positive response exists relative to differentiated compensation.
- Some questions are being raised on the addition of extra days.
- Preschool funding has support.
- Conversations are occurring about trying to do something toward the state's responsibility on full-day kindergarten.

Next, a question was asked about technology funds and how this rolls into the joint plan between the Department, Education Professional Standards Board and the Council on Postsecondary Education.

Commissioner Wilhoit responded as follows:

- Different budgets contain different pieces relative to technology.
- For the Kentucky Education Technology System (KETS), the Board requested an increase to \$44.5 million. The Governor did increase KETS by \$5 million out of coal severance money that would go directly to school districts.
- The state does fund for all school districts the shared services, but the problem is that with no increase in the past years there has been creepage and the system has gotten more antiquated.
- The Board's proposal is to give additional dollars to offers of assistance, but it is not probable that we will get \$44 million.
- A second issue is the need to upgrade the statewide system with improvement to the Student Information System.
- As we move forward with the statewide agenda, we realized that there are issues that are common across agencies. A better system of communicating across agencies is needed and thus, the agencies came together to produce a proposal with the goal of a highly robust system to communicate kindergarten through higher education.
- Some functions that we are trying to perform are in the Department and we cannot accomplish these unless the statewide system is upgraded. This includes the management portal where teachers and administrators would be able to access resources needed to do their work.
- Still another issue is the ability to do on-line assessment and the technology upgrade needed for that.

- If we don't have enough dollars to do everything, certain components will have to be funded and the ability to fully upgrade the system will be affected.
- We are hearing positive comments from the legislature that some help for solving these problems may be forthcoming. However, we are also looking at ways to reduce the pressure on the budget and find other sources of funding.

Commissioner Wilhoit was asked if the \$5 million from coal severance targeted for technology would only go to those counties. He responded that it is not totally clear, but said that when this was designated for reading, it went to coal producing counties.

Next, Keith Travis together with the Commissioner recognized the Employee of the Month. The idea came from a Department group headed by Robin Kinney. Employees must be nominated by peers and a name is drawn from those nominations. The person receives a parking place and a trophy on his/her desk for one month.

GOOD NEWS FROM SCHOOLS/DISTRICTS

The following items of good news were shared by the noted Board members:

- Dorie Combs – Madison County Schools Superintendent Mike Caudill won his first-ever national award when he was named Educator of the Year by the National Association for Gifted Children. Caudill, who has served as chairman of the Governor's Advisory Council for Gifted Education and Gifted Advisory Council Liaison for the Kentucky Association for Gifted Education, received a plaque during the National Association for Gifted Children's annual assembly and awards presentation in Louisville. One of Caudill's first acts as superintendent was to create a gifted education department with a full-time coordinator, Vicki Moberly, who turned in the nomination for the award. "Mr. Caudill has been active in promoting gifted education issues at the state level," Moberly said. "He also has been a proponent of bringing gifted education to a new level in our local district." Caudill also has established an on-going series of similar opportunities for gifted and talented students in elementary, middle and high schools, partnered with Eastern Kentucky University and Berea College to offer college-level classes on high school campuses for dual credit and offered Algebra I to middle school students for a high school credit. Through his involvement with the Madison County business and education partnership, Caudill also helped to re-establish Youth Leadership Madison County, a program for gifted students. Congratulations to Superintendent Caudill for being selected to receive this prestigious award!
- Hilma Prather – The Kentucky Association of Educational Supervisors recently named Carole Hancock of Pulaski County as Educator of the Year at their annual conference in Lexington. Hancock, who currently serves as secondary school supervisor and district assessment coordinator, has been with the Pulaski County school system for 26 years and has held several other positions during her career. She became secondary supervisor of instruction in 1989. Her accomplishments

include: starting the first public relations program for the school system, coordinating the accreditation process by which all twelve schools became accredited by the Southern Association of Colleges and Schools, helping to establish a teacher induction program for new teachers and teachers that transfer into the system and designing a district curriculum alignment process for kindergarten through grade twelve. In 1996, she received the O.V. Jones Award from the Kentucky Schools Public Relations Association for her service to the organization and the school public relations profession. She was a member of central office team that was awarded the 2005 Professional Development Award by the Kentucky Association of School Administrators. Congratulations to Carole on being chosen to receive this award!

- Keith Travis – Graves County High School Seniors Wade Barton and Amy Motheral are Coca-Cola Scholars Foundation semi-finalists, based on their community contributions, leadership skills and creativity. Among the 50,000 applicants nationwide, they are two of only 2,000 to advance. When the field is narrowed to 250 finalists, those candidates will travel to Atlanta, Georgia, for interviews to determine their level of award. Fifty will become national scholars, each receiving \$20,000 awards. The remainder will be regional scholars, receiving \$4,000 each. Since 1989, the Coca-Cola Scholars Foundation has administered these scholarship programs, which provide \$1.8 million in awards for postsecondary education to the 250 finalists each year. Congratulations to Wade and Amy for being selected for consideration to receive this honor!

KDE EMPLOYMENT REPORT

Concern was expressed by several Board members that the current format of the employment report does not clearly communicate whether minority employment is getting better or not. A request to staff for a more meaningful report that would actually show whether progress is being made or not was verbalized.

Commissioner Wilhoit noted that when the Board set the 10% goal for minority hiring, state government was in an expansionistic environment.

Helen Mountjoy commented that if one goes back about four years, the Department has lost about 200 people. She pointed out that the Department currently has 393 employees to cover 176 districts, which equals about 2 ¼ people per district. Mountjoy said the Board is asking staff to do more with less numbers. She was concerned whether the capacity to provide the kind of services to support districts with high quality programs exists.

Commissioner Wilhoit emphasized that Mountjoy's concern is a legitimate one that he shares.

Secretary Fox agreed that there should be concern in this area. She suggested that a study is probably needed to see if the pushback on the number of employees by the legislative branch has caused a decrease in minority employment.

Chair Travis indicated that he would have more conversations with the commissioner to see what could be done to address the concerns about the format of the employment report.

704 KAR 3:305, MINIMUM REQUIREMENTS FOR HIGH SCHOOL GRADUATION

Chair Travis began the topic by indicating a motion and a second were needed to remove this item from the table. David Webb made such a motion and Dorie Combs seconded it. The motion carried.

Travis also pointed out that the Board received a revised version of the regulation in its last overnight mailing to reflect the revisions on page 3, lines 13-17.

Deputy Commissioner Linda France then summarized the changes to the regulation that had occurred since the last discussion on January 4 as follows:

- On page 2, line 22, the strands of conventions and analysis have been added to the list of content strands to be included in the four language arts credits.
- On page 3, lines 13-17, replace “an integrated, applied interdisciplinary or technical occupational course that prepares a student for a career path based on the student’s Individual Graduation Plan may be substituted for Algebra II on an individual student basis under the following condition: (i) the school documents that the student was provided the opportunity to learn the content prior to the determination of a substitute course through sustained intervention and instructional supports; (ii) the school uses multiple measures, including formative, diagnostic and summative assessments as evidence for the need for substitution; (iii) the school has defined content and performance standards for the substitute course that provides relevant, continuous learning of mathematical concepts; (iv) the school uses a team comprised of the principal, the student’s teachers, student’s parents and the student to make a decision to substitute the course based on the collective evidence; (v) the school shall annually report to the Kentucky Department of Education the number and percent of students enrolled in a course substituting for Algebra II” with “an integrated, applied, interdisciplinary or technical/occupational course that prepares a student for a career path based on the student’s Individual Learning Plan may be substituted for a traditional Algebra I, Geometry or Algebra II course on an individual student basis if the course meets the content standards and the Program of Studies, 704 KAR 3:303.”
- Throughout the regulation, Individual Graduation Plan has been replaced with Individual Learning Plan.
- The Board requested consideration of the term “world culture” rather than “culture” as one of the content strands identified in social studies. The Department recommends that the identification of the content strand be changed

to “cultures and societies” to reflect the intent that the understandings apply across multiple cultures.

- On page 4, lines 16 and 21, insert technical/occupational to maintain consistency with Section 2 (1) (c)(2).
- On page 9, lines 4 through 13, the reference to a certificate of attendance has been eliminated. New language creates an opportunity for students with disabilities to earn a credential of work readiness and employability. Associate Commissioner Johnnie Grissom clarified that a work group is being put together to determine the configuration of this new credential.

Associate Commissioner Grissom went on to indicate that decisions about graduation requirements and diplomas for students with the most significant cognitive disabilities are further complicated by recent *No Child Left Behind*, Title I guidance from the United States Department of Education. She explained that up to 1% of students at the district level in the alternative portfolio system who score proficient or above are counted as proficient for the purposes of measuring Adequate Yearly Progress. Grissom went on to say that new guidance and flexibility from the United States Department of Education would permit states to develop modified achievement standards for an expanded population above the current 1% cap. She explained that an additional 2% of students with disabilities could be counted as proficient. In order to access this additional flexibility, Grissom noted, 31 states have received permission to do a proxy calculation for one year to determine the percentage of students with disabilities that is equivalent to 2% of all students assessed and add that proxy to the percent of students with disabilities who are proficient. She did caution though that the *No Child Left Behind Act* stipulates that states choosing the flexibility options for up to the 2% cap using modified academic achievement standards shall not “preclude a student from earning a regular high school diploma.” Grissom emphasized that staff recognizes they do not have a solution for this spelled out clearly, but explained that is why a work group is being put together to help develop the criteria and qualifications for alternate assessments and alternate standards.

Hilma Prather stated that if the proxy is approved for this year, she is hearing that severely disabled students would not be included in the 2%. Linda France replied that it is the Department’s understanding that any student with an IEP that is identified for services may be eligible for the alternate assessment. Johnnie Grissom added that the federal regulation says that states must set the criteria and again pointed out that she is putting together a group of people to help develop the criteria for the 2%.

Commissioner Wilhoit stated that policy should not be set on the existing categories but instead on student needs.

Helen Mountjoy then asked if the 2% is per district or statewide. Commissioner Wilhoit replied that it is per district.

Chair Travis then refocused on what happens to those students who now get a certificate of attendance. Deputy Commissioner France responded that community programs help

to integrate these students into employment opportunities. Commissioner Wilhoit added that the change the Department is advocating is that we want these students to have employability skills that are designated when they graduate.

Associate Commissioner Grissom then asked to clarify that the current one percent allowed by the United States Department of Education for proficiency relative to Adequate Yearly Progress are those with the most severe cognitions who produce the alternate portfolio. She noted that the 2% would be a different group of students.

David Tachau then asked if the revised version of the regulation is acceptable to special educators who have been sending the Board correspondence. Johnnie Grissom replied that the letters prefer that the Board say in the regulation that 2% of the students with disabilities be offered alternate assessments against alternate standards.

Both Hilma Prather and Helen Mountjoy then asked if the Department has the capacity to develop alternate assessments and standards. Commissioner Wilhoit replied that if this is a standardized assessment for each student, then the answer is no. However, he indicated that if the approach is taken for local districts to assess these students with different instruments within certain guidelines, it could be possible. Linda France then pointed out that in the recommendation from the School Curriculum, Assessment and Accountability Council, the group emphasized the Department must work extensively on pre-service for teachers in this area.

Next, Helen Mountjoy stated that she knows she will not be on the Board when this issue comes back but said she remembers in 1992 when students with disabilities were actually counted for the first time in the assessment and received services. She emphasized that she wants students to get the opportunities they deserve and need and pointed out that she is very concerned when she hears talk about alternate courses of study and alternate assessments. Mountjoy said that she does not want to diminish opportunities to learn because “all” means “all”.

Dorie Combs echoed Mountjoy’s sentiments and indicated that when a person gives up on a child, a door is shut.

Jeff Mando then stated that he felt the proxy issue should be separated from the regulation itself. He then moved final approval of 704 KAR 3:305 as recommended to include the Local Superintendents Advisory Council’s recommendation. Bonnie Lash Freeman seconded the motion. The motion carried.

702 KAR 7:125, PUPIL ATTENDANCE (FINAL)

Division Director Linda Pittenger began the discussion on this item and reminded the Board that they were considering final approval on 702 KAR 7:125 that could be found on page 11 of the Agenda Book. She then summarized the portion of the regulation that was amended to accommodate the refocusing secondary education agenda as follows:

- One of the goals of the refocusing secondary education agenda is to help schools move to a more individualized system of education where a student's progress is based on individual performance other than being moved through the same curriculum in fixed groups.
- The Board has reviewed policies that would allow districts to implement performance-based credit systems and provide an alternative to seat-time requirements.
- In December 2005 and January 2006, the Board discussed changes to the minimum high school graduation requirements that introduced performance-based credit into administrative regulation as a second basis on which schools may grant credit, along with the Carnegie unit.
- A change that the Board is considering would add two additional provisions to 702 KAR 7:125, section 7 (4), which specifies the conditions under which pupils can be counted in attendance. Such a change would make it possible for schools to continue to count students in attendance and therefore, continue to generate SEEK funds for performance-based credit opportunities as identified in 704 KAR 3:305, Minimum requirements for high school graduation.

Associate Commissioner Kyna Koch then came forward to talk about other changes that were being proposed to 702 KAR 7:125 as follows:

- On page 19 of the Agenda Book, language was added to clarify that the exit log at the school shall include the signature of a parent, legal guardian or other adult with proper identification and authorization from a parent or legal guardian for an elementary student who leaves school early.
- On pages 21 and 22, staff deleted expired language.
- On page 23 of the Agenda Book, a provision was added to the regulation to accommodate the situation raised by the Kenton County waiver request where a student that is not six years of age by October 1 but who are developmentally appropriate placement would be best served in the second level (1st grade) of the primary program can occur if specified criteria are met.
- On pages 26 through 29 of the Agenda Book, staff deleted expired language.

- On page 31 of the Agenda Book, language was added that should have been inserted during the last revision of this regulation but was mistakenly omitted.
- On page 32 of the Agenda Book, line 14, staff requested to delete the S and N codes and make the rest of the language consistent with the other changes in the regulation.

Chair Travis then asked if anything could be done to improve the intensity of the home/hospital program through amending the language in the regulation. Associate Commissioner Kyna Koch responded that would have to be done through the legislative agenda. Hilma Prather suggested that it be brought up during the next session for consideration. Ms. Koch added that she would bring the matter up with the directors of pupil personnel advisory group to get their suggestions.

At this point Hilma Prather moved final approval of 702 KAR 7:125 as presented today by staff and Dorie Combs seconded the motion. The motion carried.

REGULATION AMENDMENT TO CHANGE THE PROGRAM OF STUDIES

Associate Commissioner Starr Lewis began by introducing Karen Hess from the Center for Assessment and explained that she is working with Department staff on the Program of Studies revisions. Lewis stated that Ms. Hess would be presenting her work with the Department and where the Department stands in the revision process. Prior to turning the presentation over to Ms. Hess, however, Lewis laid out the following background for the Board:

- The Core Content for Assessment refinement has shown that there are sometimes gaps between the Core Content and the Program of Studies.
- Staff hears frustrations from districts about teachers being confused which document to use and this is an opportunity to bring the two documents into alignment.
- The Program of Studies has not been opened up since 1998 and thus, it is important to make revisions because we always have worked hard to make sure our standards match national standards.
- We desire to provide greater guidance at every grade level on what students should know and be able to do, so this is an opportunity to accomplish that goal.
- The current discussion on high school graduation requirements directly relates to the Program of Studies and means we must look at it from that standpoint.
- Staff has also heard that we need a common format across content areas.

- The issue of staff capacity came into play when we were going through the Core Content and considered diving into the Program of Studies with the same amount of staff along with the other work they have to do. Thus, we proposed working with an outside contractor to put together the revised Program of Studies.
- The outside contractor also brings in someone with a national perspective.
- Staff has worked with Karen Hess to devise a format that all content areas will use.
- We had a delay in the revision process due to a contract issue and this prevented staff from coming to the Board with completed subject areas. Staff is still hopeful to be on time for final approval of the Program of Studies in April.
- Karen Hess has been asked to come forward to walk the Board through the format and process.

Karen Hess went through a brief PowerPoint presentation explaining the proposed format of the Program of Studies as follows:

- Three things occur when school districts develop curriculum. These are identifying the desired results, determining acceptable evidence and planning learning activities.
- The format for the Program of Studies is being developed to address the first two points stated above.
- The process is at the point of developing enduring understandings, which are the overarching generalizations linked to the big ideas of each discipline. These can be characterized as the essential learnings.
- An example of an enduring understanding for science would be: matter can exist in different states – solid, liquid, gas. For math an example would be lines of symmetry exist in the real world and in geometric shapes and designs. These answer the question as to why students are learning about a particular concept. Under the determining acceptable evidence, important concepts and skills essential to demonstrating a range and depth of understanding related to enduring knowledge are identified. These are grade level specific. Embedded within this section will be technology and literacy connections. Relative to planning learning activities, this happens at the school and district levels using the Program of Studies as a blueprint.
- The above points summarize the conceptual framework being used for revising the Program of Studies.

Hilma Prather stated that she is assuming there will be assistance in professional development as this is rolled out. Commissioner Wilhoit responded that between steps 2 and 3, support and models will be provided.

Next, Karen Hess continued by going through a sample from the Program of Studies in high school reading. The following comments and suggestions were made:

- The term ‘big idea’ seems too sophomoric and perhaps something like ‘major concept’ or other terms should be used.
- The audience must be kept in mind as to the vocabulary and terms like automatisity may need to be changed or made clear.
- Automatisity is a term teachers should know and should be used within the document because it is written for teachers.
- A compromise would be to use the term and define it.
- Big idea is an educational term and should be used.
- Make sure there is ample opportunity for input from teachers.
- The format is a good one that makes sense; however, the high school reading is designated as grades 9 and 10 and it is not clear whether the concepts are in order of difficulty or how they separate out for each grade.

Associate Commissioner Lewis responded to the last point on how to discern the particular concepts for grades 9 and 10 and replied that staff is grappling with that notion right now.

Commissioner Wilhoit commented that this raises an unsettling issue related to the fact that we must align with national and international standards. He noted that the dilemma is how much to put in the document because there is a danger when Kentucky teachers are brought in to give input, they will want to expand the content. However, Wilhoit stated that we find international standards show that we need to cut down on the volume of knowledge. He said he did not know how to resolve this dilemma but indicated to staff they must address it when the Program of Studies comes back for final action in April.

Janna Vice pointed out that we must consider the issue of mile-wide and inch-deep relative to curriculum and what is best for the student. She emphasized that we have to help students master the important things.

Hilma Prather asked when Ms. Hess expected the work to be nearly completed.

Hess responded this week the content consultants are reviewing all of the understandings for the disciplines and explained that she would take the resulting version to her

consultants at the Center for Assessment. She felt that the document would be in fairly good shape in about a month.

Helen Mountjoy questioned how far the Board would be going in monitoring the information going into the Program of Studies because she emphasized that it is a policy making Board. Commissioner Wilhoit replied that it is important to have answers for the broad based questions and to ensure consistency across disciplines. He said that the Board needs to determine how involved the field has been in their review and shared that he would not expect it to get into each content area.

703 KAR 5:010, WRITING PORTFOLIO PROCEDURES

Associate Commissioner Starr Lewis indicated that training has occurred on the Administration Guidelines and that these are in the hands of teachers. She noted that staff is bringing the regulation to the Board to provide greater clarity on the issue of time and the program wrapped around the writing portfolio. Lewis then asked Cherry Boyles to highlight the changes in the regulation.

Ms. Boyles highlighted the following changes to the regulation:

- The language in Section 1 is new and focuses on the appropriate use of time.
- In Section 2, page 2, some of this language came from a conversation with the Board in which it was indicated that a school should not wait until the accountability year to instruct the types of writing appropriate for inclusion in the writing portfolio. This section also ties the portfolio to the Program of Studies.
- Language indicates that an intern teacher cannot serve as the cluster leader.
- It is made clear that writing should link to the content being taught and not take time away from instruction, but instead enhance it.
- Subsection 7 of Section 2 addresses the use of resources relative to the need of the writing program.
- Section 3, subsections 4 and 5 clarify the appropriate practices for conferencing and revision of portfolio pieces.
- In Section 3, subsection 6, it is communicated that the conferencing partners shall understand and be familiar with the writing needs of the student and address the instructional needs of the student writer during conferences but shall not take ownership of the student's writing process by requiring an arbitrary number of revisions.
- Section 3, subsection 8 clarifies the role of word processing relative to the portfolio.

- Toward the end of the regulation are new guidelines on scoring.

Helen Mountjoy stated that she was very pleased with the new language added to the regulation but said she had some suggestions for improvement. Mountjoy referred to page 3 of the regulation, subsection 7, where she thought it would be better to say adequate resources shall be used to support a school's identified learning needs. Additionally, she suggested that in Section 3, subsection 1, that the first sentence read "Teacher assigned writing tasks shall be based on standards-based units of study." Mountjoy's final comment had to do with Section 3, subsection 6, where it stated that "A student shall make the decision regarding the number of revisions." She noted that this could be misconstrued to mean that if the student does it one time and does not want to do any more revisions that they do not have to. Staff was asked to take a look at clarifying this language.

David Tachau then asked if the regulation would come back again to the Board in April and Cherry Boyles replied affirmatively. Next, David Webb asked about page 4, line 21, where it said that "A media center shall not be restricted to the development of the writing portfolio." He asked if this meant a class called portfolio could exist. Starr Lewis replied affirmatively but asked if the Board wants to preclude the existence of such a class. It was a consensus of the Board for staff to add language to preclude this situation.

Chair Keith Travis asked that the changes requested by the Board be made and the revised regulation come back for final approval to the April meeting.

***REPORT FROM THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION
ON THE WORK OF THE TASK FORCE SEEKING SOLUTIONS TO ISSUES
WITHIN PROPOSALS 3 AND 20 THAT ARE UNDER CONSIDERATION TO BE
INCORPORATED INTO THE KHSAA BYLAWS***

KHSAA Commissioner Brigid DeVries indicated that the Board was being provided with a summary of how the members of the Task Force had responded and voted on the issues and proposals relative to public/nonpublic school athletic issues. She explained that Justice Keller, facilitator of the Task Force, had prepared this summary and sent it to her this morning.

Commissioner DeVries then proceeded with a PowerPoint presentation that made the following points relative to the work of the Task Force:

- On December 8, 2005, a letter was issued by the Kentucky Board of Education for KHSAA to convene a group to work on resolution to the issues involved in Proposals 3 and 20. Commissioner DeVries began to contact prospective members with the goal being to involve all constituencies.
- On December 22, 2005, the invitation to serve on the Task Force was issued to 20 public school members and 16 nonpublic school members. The first meeting was scheduled for January 9-10, 2006.

- Comments from KHSAA member schools were solicited and in late December Justice James Keller was secured as the facilitator for the Task Force.
- The Task Force was divided into four subject areas: a) restrictions on students below grade 9 who played high school sports and then transferred, b) financial aid regulation and restrictions, c) defining a boundary with those schools without a district line and d) potential restrictions on out-of-state students.
- At the first working session of the Task Force, the focus was on the alternative feeder pattern proposal from the education cooperatives. No vote was taken on any proposal. The nonpublic school representatives had definition issues among themselves. The group was unable to reach consensus and some had to leave before the meeting's conclusion. At the end of the second day of the working session, Justice Keller said he would like to seek written feedback restricted only to the items discussed by the Task Force. All participants stayed committed to the process and both sides agreed that the implementation of Proposal 20 was not the desired outcome.
- Each Task Force member will get Justice Keller's report along with the Board of Control's response. Justice Keller wants input from all the Task Force members. Frustration was expressed that if members were not in favor of the proposals on the table, what they would support was not being expressed.

Jeff Mando then commented that he thought the Board's direction was to employ a mediator, if necessary. He noticed that Justice Keller was referred to as a facilitator.

Commissioner DeVries responded that KHSAA opted to use the facilitator to show there was no specific agenda in mind in forming the Task Force. She indicated that KHSAA felt mediation was a step down the road if the work by Justice Keller did not work out.

Mando continued that he would have immediately reconvened the Task Force if there were potential for agreement. He emphasized that each side has to compromise. Mando then asked if the association was making recommendations during the discussion.

Commissioner DeVries responded that KHSAA staff took a back seat and let the facilitator control the meeting.

Mr. Mando went on to say that based on the written material from Justice Keller, he thought there is still room for more discussion and that KHSAA should insist that the discussion continue.

Julian Tackett shared that he thought that the discussion is at a point where KHSAA may need to guide the group toward a solution because there were not a lot of suggested alternatives provided by Task Force members.

Jeff Mando stated that the Board relies on staff to make recommendations and emphasized that the discussion is at a point where the association must help guide the process by making professional recommendations.

David Tachau commented that mediation takes seat time and felt the Board could not let these issues fester forever. He thought that it could be communicated that the State Board will make a decision by a certain date, which might give the group an incentive to control their own destiny.

David Webb inquired whether the nonpublic members had proposed solutions.

Commissioner DeVries indicated that this is part of the frustration that KHSAA is experiencing because the nonpublics have not proposed solutions. She emphasized that the group is at the point that it must hang its hat on something and everyone needs to participate.

At this point, David Webb moved to ask KHSAA to reconvene the Task Force to reach solutions to Proposals 3 and 20 that will be acted on by the Board of Control in order for the proposals to be acted on by the Kentucky Board of Education in April. David Rhodes seconded the motion.

Helen Mountjoy emphasized that these issues have been dragging on for a long time and that people need to have direction for making fall decisions on school attendance.

The question was called and the motion carried.

ANNOUNCEMENTS

Prior to moving to committee meetings, Chair Keith Travis made the following announcements:

- The Management Committee will meet from 2:00 p.m. – 2:30 p.m. in the State Board Room.
- The Curriculum, Instruction and Assessment Committee will meet from 2:30 p.m. – 4:30 p.m. in the State Board Room.
- Tomorrow morning, the KSB/KSD Oversight Committee will meet from 8:30 a.m. to 10:30 a.m. in the State Board Room followed by the full Board convening at 10:30 a.m.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

Chair David Webb asked for a motion to consider new copies of the working budgets and tax rates from staff. David Tachau moved to consider these new versions and David Rhodes seconded the motion. The motion carried.

1. **2005-2006 Local District Tax Rates Levied.** Associate Commissioner Kyna Koch indicated that these would be the last ones considered for 2005-2006.
2. **2005-2006 Local District Working Budgets.** Associate Commissioner Kyna Koch explained that sometimes the size of the contingency is a concern, but explained that in the case of Augusta, this represents only \$400,000 and in Ballard County the 14% is available in preparation for construction projects.
3. **District Facility Plans: Anchorage, Corbin and Science Hill Independents.** Division Director Mark Ryles said these facility plans are very straight forward. Chair Webb asked if the proper process had been followed and Ryles responded affirmatively.
4. **District Facility Plan Amendments: Boone County and Walton Verona Independent.** Division Director Mark Ryles pointed out that in Boone County they are dealing with explosive growth.

At this point, Jeff Mando moved to approve all of the action/consent items on the committee's agenda and David Tachau seconded the motion. The motion carried.

Action/Discussion Items

1. **702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final).** KHSAA Commissioner Brigid DeVries clarified that Proposals 3 and 20 have been sent back for more work and assured the committee that the other proposals are noncontraversial.

At this point, Chair David Webb asked KHSAA staff to clarify what the Board would be approving. Commissioner DeVries responded that the following proposals were being put forward for approval:

- Proposal 13 – An amendment to KHSAA Bylaw 24 to remove outdated restrictions on the forfeiture of postseason games. This provision predates Bylaw 33, which details the penalties possible for violations.
- Proposal 14 – An amendment to KHSAA Bylaw 25 to remove from the interpretations and place into the body of the bylaws the provisions and penalties for a school that exceeds the limit of games.

- Proposal 14 – An amendment to KHSAA Bylaw 25 to revise the tournament counting shortcut exceptions contained in the limitations of seasons for basketball and replace that wording with the wording of the bylaw prior to the changes in the early 1990s.
- Proposal 18 – An amendment to KHSAA Bylaw 33 to clarify the ability of the Commissioner and/or Board of Control to impose penalties against those schools that use ineligible competitors and advance in postseason play.
- Proposal 19 – An amendment to repeal KHSAA Bylaw 35 and remove an obsolete provision of the bylaws as it applies to nonmembers of the Association.

At this point, Jeff Mando moved final approval of 702 KAR 7:065 and David Tachau seconded the motion. The motion carried.

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING

Action/Discussion Items

1. **703 KAR 5:140, Requirements for school and district report cards (Final).**
Interim Associate Commissioner Lisa Gross came forward for this item and introduced Gil Lawson, the report card contact. Ms. Gross went over the proposed changes to the regulation as detailed on pages 67 and 68 of the February Agenda Book. Gross clarified that the change at the top of page 68 labeled page 5, lines 10-12, should read revises the technology topic to reflect the “percentage of computers that are five years old or less.” She also noted that another change that is not included in the regulation at this time is a new chart that appears on the back of the report card to give a sense of a school’s achievement gap. Gross explained that the Department wanted time to work out the kinks in data collection before making it an official part of the regulation.

Several changes were suggested to improve the report card as follows:

- In the chart on the first page of the report card in the right-hand column, make the block that says assistance line be red instead of green.
- In the first chart on the front page in the left-hand column, within the legend of the chart put the word ‘is’ in front of progressing and the word ‘needs’ in front of the word assistance.
- In the chart in the second column on the right-hand side of the front page, give a title to the chart such as ‘Our Index’.
- Examine the readability of the School Report Card at some point and have another set of parents review it for feedback on possible improvements.

At this point Dorie Combs moved final approval of 703 KAR 5:140 and Keith Travis seconded the motion. The motion carried.

Review Items

1. **Annual Report of the Kentucky Educational Collaborative for State Agency Children (KECSAC).** Dr. Norman Powell, Executive Director of KECSAC, came forward along with Ruth Ann Dobbins, Fayette County KECSAC Coordinator and Ronnie Noland, Associate Director of KECSAC. Mr. Powell noted that he would be doing a PowerPoint presentation and said a copy of it was in the folders provided to the Board. He indicated the presentation would be divided into the following sections: overview/ background, student profiles, academic update, challenges to academic improvement and recommendations. He then began by reminding the Board that KECSAC is a statewide educational collaborative that works with four partners consisting of the Kentucky Department of Education, the Department of Juvenile Justice(DJJ), the Department for Community-Based Services (DCBS) and the Department of Mental Health/Mental Retardation Services (DMHMRS). He then gave the definition for state agency children as “Children and youth in programs that contract with, or are funded by or operated by DJJ, DCBS and DMHMRS in Kentucky.” Highlights of the PowerPoint presentation in the overview/background section included:

- Over the last three years there has been an increase of 161 students in the daily membership count with there being a total of 3,377 students in the December 1 student membership count in 2005.
- As far as students served each school year, over the last three years there has been an increase of 3,311 students with 21,328 served in 2005.
- KECSAC serves 54 districts, 113 programs, and 21,328 state agency children annually, and has a \$10,461,100 budget.
- Ninety-five percent of the budget comes from the Kentucky Department of Education to send directly to school districts for services. Five percent of the budget goes to the Department of Juvenile Justice for the administrative budget of KECSAC itself. Funding is the biggest challenge of the KECSAC program. Analysis was done of what it would cost to educate students in the desired manner and the cost would be \$12.5 million more than is currently allocated.

At this point Hilma Prather expressed concern that in addition to salaries for the teachers, funding is needed for instruction and other items. She indicated that it seems to be mindset that the increase in SEEK is designed for this purpose. Helen Mountjoy added that the students are out of district placements and local districts get a double whammy because there is no tax base.

Deputy Commissioner Linda France reminded the Board that in 54 districts there are KECSAC programs but noted there are others serving these kinds of students without KECSAC support.

Powell continued with the PowerPoint and under the student profile section the following highlights were covered:

- State agency children programs include residential treatment, groups homes, mental health/day treatment, hospital-based programs, DJJ day treatment, therapeutic foster care, regional detention programs, community-based shelter programs, partial hospitalization programs, youth development centers and intermediate care facilities.
- Over the last three years, the number of students enrolled with disabilities increased by 78 with there being 1,866 in 2005. For students without disabilities over the last three years, there was an increase of 65 students with there being 1,520 in 2005.
- Forty-five percent of all students in KECSAC programs have an IEP. Compared to 6.8 percent of public schools students, 70% of youth in Juvenile Justice programs are eligible for special education and suffer from disabling conditions. A DCBS student profile includes low school attendance or performance, 60% mental health problems, multiple school placements, little or no parental involvement, history of abuse and neglect and disabilities.
- An MHMRS student profile includes history of low school performance, poverty, depression and anxiety, family history of mental illness and substance abuse, higher than average history of abuse and neglect, at risk for placement in DJJ, identified as suffering from some mental disability and expressed thoughts of suicide.
- A DJJ student profile includes history of low academic performance and school attendance, attended five or more elementary schools (20%), functions two or more grades below grade level, living below poverty level (70%), disabilities, history of substance abuse in family, little or no family involvement, a history of abuse and neglect, multiple placements prior to incarceration, mental health problems (60%), and weapons and assault charges or convictions.

The next section in the PowerPoint dealt with a state agency children academic update. Highlights of this section included:

- Data was provided on the number of students at the various grade levels over the last three years and on nonacademic indicators from 2000-2005.

- Ninety-one percent of the state agency children are not tested in the KECSAC program for CATS. Only 8% are tested within the KECSAC and 1% have a medical exemption.
- From 2000-2005, the elementary academic index in KECSAC programs increased 5%; the middle school academic index increased 8.2%; the high school academic index increased 9.2%; and the overall level the academic increase went up 7.5%.
- Those state agency children that participate in the CATS test are predominately at the high school level with 72.5% being from high school, 24.5% being from middle school and 3% being from elementary.

The next section of the PowerPoint dealt with challenges, strategies and recommendations and highlights included the following:

- The challenges to academic excellence were cited as the complexity and extent of social, emotional, learning and behavioral problems of the state agency children population; lack of clear authority and supervision of state agency children in educational programs; a 95% student increase since 1998 while the budget decreased 3.5%; an apparent lack of priority for state agency programs and students at the district level; the number of teachers with emergency certification; lack of consistent support by state agency partners; lack of consistent collaboration between education and treatment staff at the state agency children programs; frequent turnover of state agency children in KECSAC programs; only 8% of the total state agency children served during a 12-month period taking the CATS assessment at a KECSAC program; and the inability to accurately track state agency children transitions and movements.
- Strategies proposed to address academic challenges were 60 additional days for program specific technical support to address program improvement issues through educational training specialists; a program specific program improvement plan to address results of cited program improvement needs; a new training focus; on-site professional development for state agency children educators; requesting expanded support from partners; and implementation of a program improvement process.

Hilma Prather expressed appreciation for the incredible effort put into the KECSAC program. She went on to point out that she noticed with great consistency the lowest areas within the program were planning, curriculum and assessment. Additionally, Prather noted the funding issues were problematic. She emphasized that a way must be found to address the academic achievement even if no increase in funds is available.

Dorie Combs then noted that the transition issue is a big problem because if the receiving school is not prepared to take back the student, it has a big impact on

student success. She said there must be an advisory program for these students so that someone is in place to look out for them when they go back to the regular school environment.

Bonnie Lash Freeman then commented that in listening to the presentation she felt that somehow the improvement plan must address the transition issue. She stated that it would be wonderful to be able to track those students who take the CATS test in the A1 schools and also noted the need to focus the professional development on academic success and building linkages to A1 schools. Freeman said she worries about the minority students who are in this group and emphasized she thought the Board needs to hear from KECSAC more than once a year.

Dorie Combs concurred with Ms. Freeman's recommendation and said she thought it would be appropriate to hear from KECSAC more than once a year because they want to work more closely with Kentucky Department of Education staff.

Ms. Prather continued that she thought if there was going to be more frequent reporting it could focus on the key issues of transition, curriculum planning and assessment issues.

1. **704 KAR 3:530, Mathematics Achievement Fund and 704 KAR 3:490, Teachers' Professional Growth Fund.** Division Director Michael Miller began by reminding the Board that last August, there was a lengthy discussion on the Math Achievement Fund and indicated that today the committee would be looking at regulation changes in one case and a new regulation in the other related to the Mathematics Achievement Fund. He stated that on page 133 of the Agenda Book, the new regulation appeared that deals with the mathematics intervention program for primary students, which is similar to Read to Achieve. Miller said that this is funded at the \$3.9 million level and indicated that competitive grants would be put forth for those districts that wish to apply for participation. He said the Center for Mathematics Achievement will provide the professional development.

Janna Vice asked if Northern Kentucky University would be the site of a the Center for Mathematics Achievement and Michael Miller responded affirmatively. However, Miller explained that other universities will provide some of the support. Associate Commissioner Starr Lewis clarified that the University of Louisville will pick up the primary intervention piece.

Miller continued that the second regulation could be found on page 137 of the Agenda Book and defined the Teachers' Professional Growth Fund. He reminded Board members that the Teachers' Professional Growth Fund has been around for awhile and previously went in the direction of providing funds to teachers for training in specific content areas or pedagogy. He went on to say that the key new pieces in the regulation can be found on page 139 beginning with line 14 in

Section 4 that defines the funding priorities for the Teachers' Professional Growth Fund to begin this coming school year through 2010. Miller explained that the new language provides for coaching and mentoring for mathematics and for reading with the professional development for reading being provided by the Collaborative Center for Literacy Development and Reading Steering Committee. He went on to note that the professional development for the mathematics portion would be determined by the Committee for Mathematics Achievement and the Center for Mathematics. Miller shared that Section 14 establishes a competitive grant program that districts can participate in for coaching and mentoring. He noted that \$4.5 million has been allocated for this program. He then asked the Board to consider how to divide up the funds since the statute provides no direction on what percentage goes to math and what to reading. He said that the Local Superintendents Advisory Council recommended a 50/50 split as well as Department staff.

Dorie Combs said she knows that the funds are designated for grades 4 through 12 but thought it might be best to narrow it to middle and high school levels. Associate Commissioner Starr Lewis said she was not sure staff had the leeway to do this but commented she would check with legal counsel for advise.

Chair Travis commented that reading is already being supplemented to a high degree and wondered if preference should be given to mathematics.

Hilma Prather thought that since this is the first year for the program that the Board should go with staff's recommendation of a 50/50 split.

A recommendation was brought up that for the statewide institute possibly those districts not awarded grants could be able to attend. Associate Commissioner Starr Lewis said that this would be considered.

Thursday, February 2, 2006

KSB/KSD OVERSIGHT COMMITTEE MEETING

Review Items

1. **Kentucky School for the Blind and Kentucky School for the Deaf Update.**
Committee Chair David Tachau began by apologizing to the deaf community because the KET channel was not available to broadcast the committee meeting due to the legislative coverage.

Associate Commissioner Johnnie Grissom then began by making introductions of those who would be presenting to the committee today as follows: Betty Fox, Highly Skilled Educator for KSB and KSD; Jackie Day, principal of KSD; John Roberts, instructional leader at KSB; Bill Stearns, KDE staff; Diane Haines, coordinator of the Deaf/Blind Project; Kathy Jones, KSB manager; Kathy Johnson, KSB Director of Outreach; Mary Helen Smith, manager of the new

materials center at KSB; Carol Dahmke, KSB parent and Barb Kibler, KDE staff. Associate Commissioner Grissom indicated that Jackie Day would be presenting an update on the Kentucky School for the Deaf, Betty Fox would talk about her efforts as a Highly Skilled Educator at both schools, John Roberts would provide the Kentucky School for the Blind update, Barb Kibler would cover outreach and other activities and Bill Stearns would give the facilities update.

The committee heard each of the presentations cited above and had a chance to ask questions. It was their consensus that at the next meeting of the committee, the schools should share where each stands in relation to the implementation plan.

HEARING OFFICER'S REPORT

Deputy Commissioner Kevin Noland indicated that the public hearing on the reading regulation received no requests for comments; thus, it was cancelled. He shared that on February 3, the nutrition regulation would go into legal effect.

UPDATE ON ASSESSMENT CONTRACT

Commissioner Wilhoit stated that staff is at an important point in the assessment contract process. He reminded members that we got to this point from Board guidance on the content of the RFP and then sought bids on the design. He reported a good response to the RFP and said a three committee structure was set up to review the proposals with each having Board representation. Commissioner Wilhoit indicated that Hilma Prather served on the technical committee, David Rhodes served on the financial committee and Keith Travis is a member of the executive committee. He noted that the executive committee is now at a critical point of making recommendations and must go through the hurdles required by state government. The Commissioner explained that contracts first have to go to the Finance Cabinet and then on to the Legislative Research Commission. He commended Robin Kinney and her staff on the work during the process and the degree that they held everyone accountable.

Associate Commissioner Robin Kinney commented that almost a year has passed in working on this matter and thanked all staff and Board members for their hard work. She said she wished she could tell the Board more but emphasized that in order to protect the integrity of the process, not much can be said. Kinney reported that staff is trying to make the deadline of getting the contracts reviewed by the Government Contract Review Subcommittee on February 14.

The Commissioner went on to say that he knew all Board members are anxious to know the details of the contract and indicated that as soon as these are filed with the Legislative Research Commission, he can then share details. He proposed to set up a number of conference calls with Board members once information can be released.

Helen Mountjoy said that she is hearing many rumors from others about the awarding of the contracts and assumes these are not coming from the Department.

The Commissioner replied that these rumors are not coming out of the Department, but instead said he is guessing they are coming from vendors.

Chair Travis said that the Board should cancel the March 8 meeting and then do the conference calls instead.

WAIVER OF 703 KAR 5:020, AFFECTING GRADE CONFIGURATIONS FOR PIKE COUNTY

Deputy Commissioner Linda France said that this waiver requests that P-3 data be included in the calculation for both elementary schools and noted that the councils are in agreement.

At this point Helen Mountjoy moved approval of the waiver if language is included as it has been in the past that the waiver will not be used for the basis for a future appeal. Hilma Prather seconded the motion and it carried.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Since the action/consent items came from the Management Committee, Chair David Webb moved approval of the local district working budgets, district facility plans, district facility plan amendments and 2005-2006 local district tax rates levied. The Board concurred with the motion.

MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Committee Chair David Webb reported that his committee reviewed and discussed 702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final) and on their behalf, he moved final approval of the regulation. The Board concurred with the motion.

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Committee Chair Bonnie Freeman indicated that the committee reviewed and discussed 703 KAR 5:140, Requirements for School and District Report Cards (Final), and on their behalf, she moved final approval of the regulation. The Board concurred with the motion.

INTERNAL BOARD BUSINESS

Chair Travis indicated that the following items needed to be dealt with under this category:

- The April Board meeting will occur at the offices of the KHSAA in Lexington. Dinner honoring the outgoing Board members will occur on the night of April 10 and a dinner with the Fayette County Board will occur on the night of April 11.

- Department staff will get the letter discussed during the full Board presentation on the KHSAA private/public athletics issues out to Commissioner Brigid DeVries.

LITIGATION REPORT

Helen Mountjoy moved to go into closed session for the purpose of discussing litigation and David Webb seconded the motion. The motion carried.

The Board came out of closed session on a motion by Janna Vice and a second by David Rhodes. The motion carried. No business was conducted during the closed session.

ADJOURNMENT

The Board meeting adjourned at 12:00 noon.